

REMARKS

Reconsideration and withdrawal of the rejections of this application and consideration and entry of this paper are respectfully requested in view of the herein remarks and accompanying information, which place the application in condition for allowance.

1. Status Of Claims And Formal Matters

Claims 1, 3, 5, 7-10, 12, 13 and 15-18 were under consideration in this application.

Claims 1, 3, 5, 7-10, 12, 13 and 15-18 are cancelled without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents. Applicants reserve the right to pursue the subject matter of cancelled claims in continuing application.

Claims 23-26 are added. Support for the new claims may be found, for example, in FIGS. 1-9A, ¶¶ 14-22 of the specification as originally published, Example 2 (¶¶ 62-64 of the specification as originally published) and Example 3 (¶¶ 65-68 of the specification as originally published). Additional support for claims 25 and 26 may be found in Example 3 (¶¶ 79-86 of the specification as originally published)

No new matter has been added.

The Examiner is thanked for withdrawing rejections recited in the last Office Action not set forth in the present Office Action.

It is submitted that the claims herewith and as originally presented, are patentably distinct over the prior art cited in the Office Action, and that these claims are in full compliance with the requirements of 35 U.S.C. §112. The amendments to the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§101, 102, 103 or 112. Rather, these additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

2. The Rejections Under 35 U.S.C. § 112, First Paragraph, Are Overcome

Claims 9-10, 12-13 and 15-18 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

In response, claims 9-10, 12-13 and 15-18 have been cancelled, thereby rendering the rejection moot.

Reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, first paragraph, are respectfully requested.

3. The Rejections Under 35 U.S.C. § 103 Are Overcome

Claims 1, 3, 5, 7, 9, 10, 13, 15 and 21-22 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Meruelo et al. and Curiel et al. and further in view of Ledbetter. Claims 1, 3, 5, 7, 9, 10, 13, 16, 18 and 21 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Meruelo et al. and Curiel et al. and further in view of Tripp et al. and Tillman et al.. Claims 8 and 7 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Meruelo et al. and Curiel et al. and further in view of Tripp et al. and Tillman et al..

In response, claims 1, 3, 5, 7-10, 12, 13 and 15-18 have been cancelled, thereby rendering the rejection moot.

Reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are respectfully requested.

REQUEST FOR INTERVIEW

If any issue remains as an impediment to allowance, a further interview with the Examiner is respectfully requested and the Examiner is additionally requested to contact the undersigned to arrange a mutually convenient time and manner for such an interview.

CONCLUSION

In view of the remarks herein, reconsideration and withdrawal of the rejections are requested. Early and favorable consideration of the application on the merits, and early Allowance of the application are earnestly solicited.

The Commissioner is hereby authorized to charge any additionally required fee for this paper, or credit any overpayment in fees, to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: /Deborah L. Lu/
Thomas J. Kowalski
Reg. No. 32,147
Deborah L. Lu
Reg. No. 50,940
Tel. No. (212) 588-0800
Fax No. (212) 588-0500